



BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE)
APPLICATION OF ARIZONA PUBLIC)
SERVICE COMPANY, IN)
CONFORMANCE WITH THE)
REQUIREMENTS OF ARIZONA)
REVISED STATUTES 40-360.03 AND)
40-360.06, FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING CONSTRUCTION OF)
THE APS Q43 500kV TRANSMISSION)
LINE AND SWITCHYARD)
INTERCONNECTION PROJECT AND)
ASSOCIATED FACILITIES)
INTERCONNECTING TO THE PALO)
VERDE - NORTH GILA #1 AND #2)
500kV TRANSMISSION LINES)
APPROXIMATELY 10 MILES NORTH)
OF DATELAND, ARIZONA (SECTION)
34, T5S, R12W, G&SRBM, YUMA)
COUNTY))

L 00000J5 - 09-0279-06145
Docket No. L-00000D-09-0280-00146

Case No. 146


ARIZONA PUBLIC SERVICE
COMPANY'S NOTICE OF
FILING PROPOSED FORM
OF CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY

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Pursuant to Paragraph 19 of Chairman Foreman's June 8, 2009 Procedural Order,
Arizona Public Service Company ("APS") files a proposed form of Certificate of
Environmental Compability, findings of fact, and conclusions of law. (Exhibit 1)
Consistent with Paragraph 20 of the Procedural Order, APS also files a document showing
the previous cases upon which the proposed conditions in Case 146 are based. (Exhibit 2).

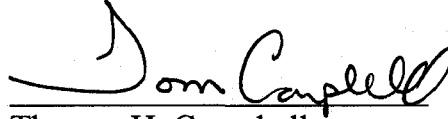
Arizona Corporation Commission
DOCKETED

JUL 20 2009

DOCKETED BY 

1 RESPECTFULLY SUBMITTED this 20th day of July, 2009.

2 LEWIS AND ROCA LLP

3 

4 Thomas H. Campbell

5 Albert Acken

6 40 N. Central Avenue

7 Phoenix, Arizona 85007

8 Attorneys for Arizona Public Service Company

9
10 **ORIGINAL** and twenty-five (25) copies
11 of the foregoing hand-delivered this
12 20th day of July, 2009 to:

13 The Arizona Corporation Commission
14 Utilities Division – Docket Control
15 1200 W. Washington Street
16 Phoenix, Arizona 85007

17 **COPIES** of the foregoing delivered electronically
18 this 20th day of July, 2009 to:

19 Hon. John Foreman, Chairman
20 Arizona Power Plant and Transmission
21 Line Siting Committee
22 Assistant Attorney General
23 1275 West Washington Street
24 Phoenix, Arizona 85007

25 Janice Alward, Legal Department
26 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Jay Moyes
2 Moyes Sellers & Sims
3 1850 N. Central Avenue, Suite 1100
4 Phoenix, Arizona 85004

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Betty J. Griffin

EXHIBIT 1

1 **BEFORE THE ARIZONA POWER PLANT AND**
2 **TRANSMISSION LINE SITING COMMITTEE**

3 IN THE MATTER OF THE)
4 APPLICATION OF ARIZONA PUBLIC) Docket No. L-00000D-09-0280-00146
5 SERVICE COMPANY, IN)
6 CONFORMANCE WITH THE) Case No. 146
7 REQUIREMENTS OF ARIZONA)
8 REVISED STATUTES 40-360.03 AND)
9 40-360.06, FOR A CERTIFICATE OF)
10 ENVIRONMENTAL COMPATIBILITY)
11 AUTHORIZING CONSTRUCTION OF)
12 THE APS Q43 500kV TRANSMISSION)
13 LINE AND SWITCHYARD)
14 INTERCONNECTION PROJECT AND)
15 ASSOCIATED FACILITIES)
16 INTERCONNECTING TO THE PALO)
17 VERDE - NORTH GILA #1 AND #2)
18 500kV TRANSMISSION LINES)
19 APPROXIMATELY 10 MILES NORTH)
20 OF DATELAND, ARIZONA (SECTION)
21 34, T5S, R12W, G&SRBM, YUMA)
22 COUNTY))
23
24
25
26

17 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

18 Pursuant to notice given as provided by law, the Arizona Power Plant and
19 Transmission Line Siting Committee (the "Committee") held public hearings on July 21,
20 22 and 23, 2009, in conformance with the requirements of Arizona Revised Statutes
21 ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on
22 the Application of Arizona Public Service Company ("Applicant") in conjunction with
23 San Diego Gas and Electric Company, as co-applicant, for a Certificate of Environmental
24 Compatibility ("Certificate") in the above-captioned case (the "Project").
25
26

1 The following members and designees of members of the Committee were present
2 at one or more of the hearings for the evidentiary presentations and/or for the
3 deliberations:

4 Hon. John Foreman	Chairman, Designee for Arizona Attorney General, 5 Terry Goddard
6 David L. Eberhart, P.E.	Designee for Chairman, Arizona Corporation 7 Commission
8 Jessica Youle	Designee for Director, Energy Department, Arizona 9 Department of Commerce
10 Paul Rasmussen	Designee for Director, Arizona Department of 11 Environmental Quality
12 Gregg Houtz	Designee for Director, Arizona Department of Water 13 Resources
14 Jeff McGuire	Appointed Member
15 William Mundell	Appointed Member
16 Patricia Noland	Appointed Member
17 Michael Palmer	Appointed Member
18 Michael Whalen	Appointed Member
19 Barry Wong	Appointed Member

20 The Applicant was represented by Thomas H. Campbell of Lewis and Roca LLP.
21 Agua Caliente Solar, L.L.C., an applicant in Line Siting Case No. 145, a consolidated
22 matter, was represented by Jay Moyes of Moyes, Sellers & Sims.

23 At the conclusion of the hearing, the Committee, having received the Application,
24 the appearance of the Applicant, the evidence, testimony and exhibits presented at the
25 hearing, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13,
26

1 upon motion duly made and seconded, voted ____ to ____ to grant the Applicant this
2 Certificate of Environmental Compatibility (Case No. 146) for the Project.

3 The Project as approved consists of a series of proposed 500kV transmission lines
4 and a new regional switchyard that will initially connect the solar project proposed by
5 Agua Caliente Solar L.L.C. (Case No. 145), to the existing Palo Verde-North Gila No. 1
6 500kV transmission line (ACC Decision No. 52428). The Project will be designed to
7 accommodate the future interconnection of the planned Palo Verde-North Gila No. 2
8 500kV transmission line (ACC Decision No. 70127), a future 500kV/69kV substation, and
9 other related transmission facilities.

10 The Project will be located on a portion of a 3,800 acre private agricultural property
11 referred to as the "Whitewing Ranch" (Property) in the northwest corner of Section 34,
12 T5S, R12W, G&SRBM, Yuma County, Arizona, plus some additional private land that
13 extends south of the Property to a point 200 feet south of the Palo Verde to North Gila
14 No.1 centerline. The substation site is located just north of Palomas Road (also referred to
15 as Palomas/Hyder Road) and will occupy approximately 30 acres of the Property. Each
16 interconnection line will be within a separate 200 foot right-of-way. All interconnection
17 lines will be in rights of way within a corridor. The corridor length extends southwest for
18 5,875 feet from the point where the eastern boundary of the Property intersects the Union
19 Pacific Railroad. The 2,200 foot width includes the 2,000 foot corridor approved in
20 Decision No. 70127 for the Palo Verde to North Gila No. 2 transmission line, plus 200 feet
21 south of the centerline of the Palo Verde to North Gila No. 1 transmission line. A general
22 location map of the Project is set forth in **Exhibit A**.

23 CONDITIONS

24 This Certificate is granted upon the following conditions:

- 25 1. The Applicant shall obtain all required approvals and permits necessary to
26 construct the Project.

- 1 2. The Applicant shall comply with all existing applicable statutes, ordinances,
2 master plans and regulations of the State of Arizona, the County of Yuma, the
3 United States, and any other governmental entities having jurisdiction.
- 4 3. This authorization to construct this Project shall expire fifteen (15) years from
5 the date the Certificate is approved by the Commission unless the transmission
6 line is capable of operation. However, prior to expiration, the Applicant or its
7 assignees may request that the Commission extend this time limitation.
- 8 4. The Applicant shall make every reasonable effort to identify and correct, on a
9 case-specific basis, all complaints of interference with radio signals from
10 operation of the transmission lines and related facilities addressed in this
11 Certificate. The Applicant shall maintain written records for a period of five
12 years of all complaints of radio interference attributable to operation, together
13 with the corrective action taken in response to each complaint. All complaints
14 shall be recorded to include notations on the corrective action taken.
15 Complaints not leading to a specific action or for which there was no resolution
16 shall be noted and explained.
- 17 5. To the extent applicable, the Applicant shall comply with the notice and salvage
18 requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, et seq.) and
19 shall, to the extent feasible, minimize the destruction of native plants during
20 Project construction.
- 21 6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical
22 site or object that is at least fifty years old is discovered on state, county or
23 municipal land during plan-related activities, the person in charge shall
24 promptly report the discovery to the Director of the Arizona State Museum, and
25 in consultation with the Director, shall immediately take all reasonable steps to
26 secure and maintain the preservation of the discovery. If human remains and/or

1 funerary objects are encountered during the course of any ground-disturbing
2 activities relating to the development of the subject property, Applicant shall
3 cease work on the affected area of the Project and notify the Director of the
4 Arizona State Museum, pursuant to A.R.S. § 41-865, and any appropriate
5 federal agency.

6 7. The Applicant shall design the transmission lines to incorporate reasonable
7 measures to mitigate impacts to raptors.

8 8. The Applicant shall use non-specular conductor and dulled surfaces for
9 transmission line structures.

10 9. In the event that the Project requires an extension of the term of this Certificate,
11 Applicant shall use reasonable means to notify all landowners and residents
12 within one mile of the Project corridor, all persons who made public comment at
13 this proceeding, and all parties to this proceeding of the request and the time and
14 place of the hearing in which the Commission will consider the request for
15 extension.

16 10. Before construction on this Project may commence, the Applicant must file a
17 construction mitigation and restoration plan ("Plan") with ACC Docket Control.
18 Where practicable, the Plan shall specify that the Applicant use existing roads
19 for construction and access, minimize impacts to wildlife, minimize vegetation
20 disturbance outside of the Project right-of-way, and revegetate, unless waived
21 by the landowner, native areas following construction disturbance.

22 11. The Applicant shall provide copies of this Certificate to Yuma County Planning
23 Division, the State Historic Preservation Office, and the Arizona Game and Fish
24 Department.

25 12. Applicant will follow the latest Western Electricity Coordinating Council/ North
26 American Electric Reliability Corporation Planning standards as approved by

1 the Federal Energy Regulatory Commission, and National Electrical Safety
2 Code construction standards.

3 13. Within 120 days of the Commission decision granting this Certificate, Applicant
4 will post signs in public rights-of-way giving notice of the project corridor to
5 the extent authorized by law. The Applicant shall place signs in prominent
6 locations at reasonable intervals such that the public is notified along the full
7 length of the transmission line until the transmission structures are constructed.
8 To the extent practicable, within 45 days of securing easement or right-of-way
9 for the Project, the Applicant shall erect and maintain signs providing public
10 notice that the property is the site of a future transmission line. Such signage
11 shall be no smaller than a normal roadway sign. The signs shall advise:

- 12 (a) That the site has been approved for the construction of Project
13 facilities;
- 14 (b) The expected date of completion of the project facilities;
- 15 (c) A phone number for public information regarding the Project;
- 16 (d) The name of the Project;
- 17 (e) The name of the Applicant; and
- 18 (f) The website of the Project

19 14. With respect to the Project, Applicant shall participate in good faith in state and
20 regional transmission study forums to coordinate transmission expansion plans
21 related to the project and to resolve transmission constraints in a timely manner.

22 15. Prior to the date construction commences on this Project, the Applicant shall
23 provide known homebuilders and developers within one mile of the center line
24 of the certificated route the identify, location, and a pictorial depiction of the
25 type of power line being constructed, accompanied by a written description, and
26

1 encourage the developers and homebuilders to include this information in the
2 developers' and homebuilders' homeowners' disclosure statements.

- 3 16. The Applicant shall submit a self-certification letter annually, identifying
4 progress made with respect to each condition contained in the Certificate,
5 including which conditions have been met. Each letter shall be submitted to
6 ACC Docket Control on December 1 beginning in 2010. Attached to each
7 certification letter shall be documentation explaining how compliance with each
8 condition was achieved. Copies of each letter along with the corresponding
9 documentation shall be submitted to the Arizona Attorney General and
10 Department of Commerce Energy Office. The requirement for the self-
11 certification shall expire on the date the Project is placed into operation.

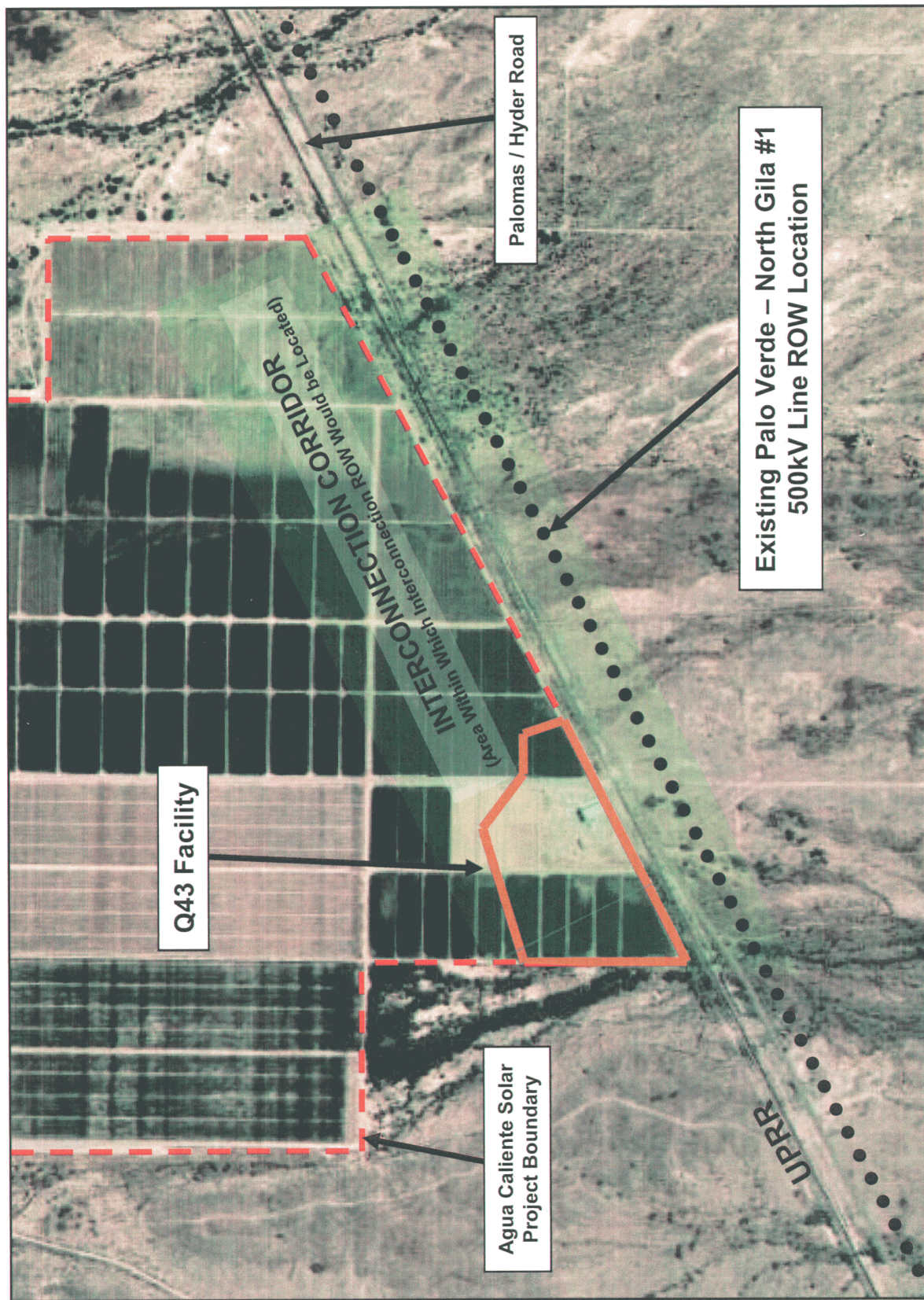
12 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 13 1. The Project is in the public interest because it aids the state in meeting the need
14 for an adequate, economical and reliable supply of electric power.
- 15 2. In balancing the need for the Project with its effect on the environment and
16 ecology of the state, the conditions placed on the CEC by the Committee
17 effectively minimize its impact on the environment and ecology of the state.
- 18 3. The conditions placed on the CEC by the Committee resolve matters concerning
19 the need for the Project and its impact on the environment and ecology of the
20 state raised during the course of proceedings, and as such, serve as the findings
21 on the matters raised.
- 22 4. In light of these conditions, the balancing in the broad public interest results in
23 favor of granting the CEC.
- 24
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26

THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

John Foreman, Chairman

EXHIBIT A



Interconnection Area of Detail

EXHIBIT 2

Case 1436 CONDITIONS

This Certificate is granted upon the following conditions:

1. The Applicant shall obtain all required approvals and permits necessary to construct the Project.
2. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the State of Arizona, the County of ~~Yavapai~~Yuma, the United States, and any other governmental entities having jurisdiction.
3. This authorization to construct this Project shall expire ~~ten~~fifteen (10~~5~~) years from the date the Certificate is approved by the Commission unless the transmission line is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.
4. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken.

Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.
5. To the extent applicable, the Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, et

Comparison of CEC conditions proposed for Case 146 with the CEC conditions approved for Case 143 (Decision No. 71217); source of other conditions is as noted.

seq.) and shall, to the extent feasible, minimize the destruction of native plants during Project construction.

6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during plan-related activities, the person in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery. If human remains and/or funerary objects are encountered during the course of any ground-disturbing activities relating to the development of the subject property, Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum, pursuant to A.R.S. § 41-865, and any appropriate federal agency.
7. The Applicant shall design the transmission lines to incorporate reasonable measures to mitigate impacts to raptors.
8. The Applicant shall use non-specular conductor and dulled surfaces for transmission line structures.
9. In the event that the Project requires an extension of the term of this Certificate, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project corridor, all persons who made public comment at this proceeding, and all parties to this proceeding of the request and the time and place of the hearing in which the Commission will consider the request for extension.
10. Before construction on this Project may commence, the Applicant must file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify that the Applicant use existing roads for construction and access, minimize impacts to wildlife,

Comparison of CEC conditions proposed for Case 146 with the CEC conditions approved for Case 143 (Decision No. 71217); source of other conditions is as noted.

minimize vegetation disturbance outside of the Project right-of-way, and revegetate, unless waived by the landowner, native areas following construction disturbance.

11. The Applicant shall provide copies of this Certificate to ~~Yavapai~~ Yuma County Planning Division, ~~the Arizona State Land Department~~, the State Historic Preservation Office, and the Arizona Game and Fish Department.
12. Applicant will follow the latest Western Electricity Coordinating Council/ North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.

[Condition 13 corresponds to Condition 9 in Case 136, Decision No. 70325]

13. Within 120 days of the Commission decision granting this Certificate,

Applicant will post signs in public rights-of-way giving notice of the project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:

- (a) That the site has been approved for the construction of Project facilities;
- (b) The expected date of completion of the project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;
- (e) The name of the Applicant; and

Comparison of CEC conditions proposed for Case 146 with the CEC conditions approved for Case 143 (Decision No. 71217); source of other conditions is as noted.

(f) The website of the Project

[Condition 14 corresponds to Condition 11 in Case 136, Decision No. 70325]

14. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the project and to resolve transmission constraints in a timely manner.

[Condition 15 corresponds to Condition 13 in Case 136, Decision No. 70325]

15. Prior to the date construction commences on this Project, the Applicant shall provide known homebuilders and developers within one mile of the center line of the certificated route the identify, location, and a pictorial depiction of the type of power line being constructed, accompanied by a written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.

16.13. The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to ACC Docket Control on December 1 beginning in 20109. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.

~~14. The Applicant will install gates and/or cattle guards acceptable to the land owners and/or lessees at any existing fence lines crossed by new permanent access roads.~~